

portion and the W-shaped peak portion being connected by interconnecting members to an opposite adjacent cylindrical element.

A Y

31. (New) The stent of claim 1, wherein:

at least one cylindrical element has a W-shaped peak portion connected to a peak portion of an adjacent cylindrical element and a W-shaped valley portion connected to a valley portion of an opposite adjacent cylindrical element.

REMARKS

This Amendment is responsive to the Office Action dated January 30, 2002. Claims 1-23 are pending in this application. In this Amendment, Applicants have added new claims 24-31 which are believed to be in a condition for allowance. Claims 1 and 23 have been amended to better define Applicant's invention. Claim 8 has been rewritten in independent form and has been amended to correct a minor grammatical error.

The Examiner has rejected claims 1-7, 11, 17-19, 21 and 23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,273,910 to Limon (the "Limon patent"). The Examiner has cited the Limon patent for showing a stent having cylindrical elements with W-shaped valley portions that are shorter in longitudinal length

than adjacent V-shaped valley portions. In view of the amendment to claim 1, which now recites a stent structure having at least two adjacent valley portions and two adjacent peak portions on each cylindrical element capable of nesting when the stent is crimped or collapsed, it is believed that the Limon patent does not anticipate the claims at issue. As can be seen in FIG. 7 of the Limon patent, which the Examiner has reproduced and color highlighted in the Office Action, the peak portions of the cylindrical element appear to have the same longitudinal length. Therefore, this particular reference does not disclose all of the elements recited in the claims at issue. As such, the Limon patent does not anticipate claims 1-7, 11, 17-19, 21 and 23 and Applicant respectfully requests that this patent be withdrawn as an anticipatory reference.

The Examiner has rejected claims 1, 8-10, 12-16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,066,169 to McGuinness (the “McGuinness patent”). The Examiner believes that the McGuinness patent shows cylindrical elements having at least two adjacent peak portions of differing longitudinal length and at least two adjacent valley portions having differing longitudinal lengths. However, Applicant strongly disagrees with the Examiner’s position with regard to the McGuinness patent since it appears that the Examiner has selectively color highlighted portions of the stent depicted in FIG. 4 of the McGuinness patent in an attempt to create the appearance that there are portions of the cylindrical elements having differing longitudinal lengths, when

this is not the case. The Examiner has color highlighted portions of the stent appearing in the Office Action in red to denote the portion of the cylindrical element which the Examiner believes constitutes a W-shaped portion. Likewise, the Examiner has highlighted in green what the Examiner believes is a V-shaped portion of the cylindrical element. However, it is readily apparent that the portion of the cylindrical element highlighted in red has been truncated by the Examiner to attempt to create the appearance of a smaller length W-shaped portion. First and foremost, this alleged W-shaped portion highlighted by the Examiner is not described as a W-shaped portion in the specification, as will be discussed further below, and does not extend upward to connect to the adjacent V-shaped portion highlighted in green. Therefore, if the Examiner's position is given credence, a complete cylindrical element is not formed due to the gap (the unhighlighted portion) found between these adjacent portions. Accordingly, the Examiner's selective coloring of the cylindrical element is inappropriate and the characterization of these elements is not supported by the specification of the McGuinness patent.

A reading of the specification and the drawings, especially FIG. 5 which provides a larger detailed drawing of a portion of the stent depicted in FIG. 4, shows that the red highlighted portion identified as a W-shaped portion by the Examiner is not a W-shaped portion at all, but rather, is identified as a "U-shaped structure." As can best be

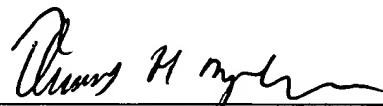
seen in a clearer reproduction of FIG. 4 from the McGuinness patent, this particular U-shaped structure is consistently formed and shaped throughout the stent pattern. Therefore, the teachings of the McGuinness patent only are directed to a U-shaped structure which has a uniform longitudinal length throughout the pattern, not a smaller W-shaped portion as suggested by the Examiner. For these reasons, the McGuinness patent does not anticipate claims 1, 8-10 and 12-16. Accordingly, Applicant submits that the McGuinness patent should be withdrawn as an anticipatory reference as well.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at 310-824-5555 to facilitate prosecution of this application, if necessary.

Attached hereto is a marked up version of the changes made to the claims

by the current Amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Respectfully submitted,
FULWIDER PATTON LEE & UTECHT, LLP



Thomas H. Majcher, Registration No. 31,119

THM:mem

Howard Hughes Center
6060 Center West, 10th Floor
Los Angeles, California 90045
Tel. No.: (310) 824-5555
Fax No.: (310) 824-9696
USPTO Customer No. 24201

"VERSION WITH MARKINGS TO SHOW CHANGES MADE"

1. (Amended) A stent for implanting in a body lumen, comprising:
a plurality of adjacent cylindrical elements each having a circumference
extending about a longitudinal stent axis and being substantially independently
expandable in a radial direction, each cylindrical element being arranged in alignment
along the longitudinal stent axis and formed in a generally serpentine wave pattern
transverse to the longitudinal axis and containing alternating valley portions and peak
portions, wherein at least two adjacent valley portions [or] and two adjacent peak
portions on each cylindrical element [is] are capable of nesting when the stent is crimped
or collapsed; and

a plurality of interconnecting members extending between the adjacent
cylindrical elements and connecting adjacent cylindrical elements to one another.

8. (Amended) A stent for implanting in a body lumen, comprising:
a plurality of adjacent cylindrical elements each having a circumference
extending about a longitudinal stent axis and being substantially independently
expandable in a radial direction, each cylindrical element being arranged in alignment
along the longitudinal stent axis and formed in a generally serpentine wave pattern

transverse to the longitudinal axis and containing alternating valley portions and peak portions, wherein at least two adjacent valley portions or two adjacent peak portions on each cylindrical element [is] are capable of nesting when the stent is crimped or collapsed; and

a plurality of interconnecting members extending between the adjacent cylindrical elements and connecting adjacent cylindrical elements to one another, wherein at least two adjacent peak portions in each cylindrical element have differing longitudinal lengths which permit nesting and at least two adjacent valley portions in each cylindrical element have differing longitudinal lengths which permits nesting of the valley portions.

23. (Amended) A stent for implanting in a body lumen, comprising:

a plurality of adjacent cylindrical elements each having a circumference extending about a longitudinal stent axis and being substantially independently expandable in a radial direction, each cylindrical element being arranged in alignment along the longitudinal stent axis and formed in a generally serpentine wave pattern transverse to the longitudinal axis and containing alternating valley portions and peak portions, wherein at least two adjacent valley portions [or] and two adjacent peak portions on each cylindrical element is capable of nesting when the stent is crimped or

collapsed; and

means for connecting adjacent cylindrical elements together.